

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Third Regular Session

---

WEDNESDAY, October 29, 1997

---

The Chief Clerk makes the following entries under the above date.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 333**

Relating to: creating a certified capital company program for companies that make certain types of investments, providing tax credits to persons who make certain investments in certified capital corporations, granting rule–making authority and making an appropriation.

By Senators Moore, Plache, Darling, Fitzgerald, Breske, Grobschmidt, Wirch, Huelsman, C. Potter, George, Roessler and Rude; cosponsored by Representatives Ward, Hoven, R. Potter, Green, Plale, Kedzie, Lazich, Schafer, Notestein, Gunderson, Ladwig, Goetsch, Plouff, Porter, Lorge, Hasenohrl, Freese, F. Lasee, Brandemuehl and Staskunas.

To committee on **Economic Development, Housing and Government Operations**.

**Senate Bill 334**

Relating to: allowing a power of attorney for health care instrument to be used to make or refuse to make an anatomical gift and allowing a health care agent to make an anatomical gift.

By Senators Rosenzweig, Risser, Roessler, Grobschmidt and Huelsman; cosponsored by Representatives Wasserman, Huber, Underheim, Kreuser, Walker, Staskunas, Baumgart, Bock, Brandemuehl, Goetsch, Gronemus, Krug, Ladwig, Murat, Notestein, Porter and R. Young.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

**Senate Bill 335**

Relating to: evaluating proposed major highway projects; adjustments to appropriations of the department of transportation to reflect federal highway aid changes; joint committee on finance approval of any plan for the expenditure of income augmentation funds for any purpose other than augmenting federal revenues; agreement between the department of natural resources and Indian tribes or bands concerning the issuing of fishing or hunting approvals or the registration of all–terrain vehicles, boats or snowmobiles; a study on paving state bicycle trails; adjustment of agricultural chemical cleanup surcharges; and requiring the exercise of rule–making authority.

By Senator Burke; cosponsored by Representative Jensen.

To joint committee on **Finance**.

**Senate Bill 336**

Relating to: authorizing the department of workforce development to promulgate a rule permitting an employer to pay certain employes an opportunity wage, but requiring that rule to prohibit an employer from hiring an employe at the opportunity wage if that hiring would displace a regular employe and granting rule–making authority.

By Senators Plache, Grobschmidt, Burke, Breske and Moen; cosponsored by Representatives Vander Loop, Riley, Carpenter, R. Young, Dobyns, Bock, Springer, Hasenohrl, Ryba, La Fave, Kreuser, Robson, Plouff, Krug, Boyle, Gronemus, Murat, Cogs and L. Young.

To committee on **Labor, Transportation and Financial Institutions**.

**Senate Bill 337**

Relating to: the regulation of music, art and dance therapists and providing a penalty.

By Senators Rosenzweig, Risser and Grobschmidt; cosponsored by Representatives Kreibich, Hanson, Hahn and Cullen.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

---

**REPORT OF COMMITTEES**

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Bill 316**

Relating to: the definition of the internal revenue code for the income tax and the franchise tax.

Passage.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

Gwendolynne Moore  
Chairperson

The committee on **Education** reports and recommends:

**Assembly Bill 261**

Relating to: statute of limitations for special education appeals.

Concurrence.

Ayes, 7 – Senators C. Potter, Jauch, Shibilski, Grobschmidt, Darling, Huelsman and Roessler.

Noes, 0 – None.

Calvin Potter  
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

**Senate Bill 323**

Relating to: various changes to the worker's compensation law.

Passage.

Ayes, 7 – Senators Plache, C. Potter, Moore, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

**Senate Bill 327**

Relating to: various changes in the unemployment compensation law and related provisions, granting rule-making authority and making appropriations.

Passage.

Ayes, 7 – Senators Plache, C. Potter, Moore, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

Kimberly Plache  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 53**

Relating to: The life and public service of Stan Pelecky.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

**Assembly Joint Resolution 63**

Relating to: the life and public service of Richard Lynch.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

**Assembly Joint Resolution 71**

Relating to: proclaiming Native American History Month.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

**Senate Joint Resolution 29**

Relating to: the life and public service of Arthur Lenroot.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

**Senate Joint Resolution 30**

Relating to: proclaiming Statehood Day Weekend.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

October 27, 1997

The Honorable, The Senate:

I'm writing to notify you that, as President of the State Senate under Section 14.90 of the Wisconsin Statutes, I have named Senator Bob Jauch as the State Senate's appointment to the Midwestern Education Commission.

It is my understanding that the Department of Administration provides staff services for this Commission and I ask that the appropriate individuals be notified of Senator Jauch's appointment.

Thank you for your consideration.

Sincerely,

SENATOR FRED RISSER

Senate President

**State of Wisconsin**

October 21, 1997

The Honorable, The Senate:

Pursuant to Section 15.227(24)(a)5r Wis. Stats., I am appointing Senator Margaret Farrow to serve as the Senate Minority designee on the Governor's Council on Workforce Excellence.

Sincerely,

MICHAEL ELLIS

Senate Minority Leader

**State of Wisconsin**

**Department of Administration**

October 14, 1997

The Honorable, The Legislature:

This report is transmitted as required by sec.20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec.13.172.(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of September, 1997.

On September 19, 1997 the **Wisconsin Petroleum Inspection Fund** balance was -\$1.67 million. This shortfall continued until September 22, 1997 when the balance reached \$7.12 million. This shortfall was due to the timing of revenues.

The Wisconsin Petroleum Inspection Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

MARK D. BUGHER

Secretary

Referred to the committee on **Finance**

**State of Wisconsin  
Legislative Audit Bureau**

October 23, 1997

The Honorable, The Senate:

We have completed a financial and compliance audit of the University of Wisconsin (UW) System as requested by the UW to meet the audit requirements of the federal Office of Management and Budget (OMB) Circular A-133. Our audit covers the period July 1, 1995 through June 30, 1996. In addition to satisfying audit requirements, the single audits assists us in meeting state audit requirements under Section 13.94, Wis. Stats.

Report 97-16 contains the auditor's report on internal control structure and compliance; findings of noncompliance with federal requirements and the results of our follow-up to prior audit findings; campuses' responses to our recommendations and their plans for corrective action; and the Schedule of

Federal Awards and accompanying notes. We have identified \$2,060 in questioned costs, which is a very small portion of the \$459 million in federal assistance disbursed by UW-System during our audit period.

Our unqualified opinion on the UW's financial statements was included in the UW's Annual Financial Report for the fiscal year ended June 30, 1996. This report was published by UW System Administration in February 1997 and is available from the UW System Administration, Office of Financial Administration.

Our A-133 audit report is lengthy and detailed. We are, therefore, limiting our initial distribution to those required by law to receive copies, the audited campuses, and the federal and nonfederal agencies providing federal funding to the campuses. However, if you are interested in receiving a copy of the A-133 single audit report, please contact our office and request report number 97-16.

Sincerely,

DALE CATTANACH  
State Auditor

**State of Wisconsin  
Southeast Wisconsin Professional Baseball Park District**

October 16, 1997

The Honorable, The Legislature:

Enclosed please find the Miller Park monthly progress report for the month of September 1997 for your review and consideration. As the September 1997 progress report indicates, construction of Miller Park remains on time, within budget, and with meaningful community participation.

The District approved several significant construction contracts during the month of September. These contracts included the final construction management agreement with the HCH Joint Venture, food services equipment subcontract, structural precast concrete subcontract, and the structural steel frame subcontract.

A major construction milestone was also reached on Miller Park during the month of September. The last deep foundation pile was driven on September 26, 1997. This pile marked the conclusion of 1700 drilled piers and driven piles totaling nearly 25 miles in total length. A "bottoming out" ceremony was held on the site for the hardworking construction crew, complete with non-alcoholic Sharps beer, a tailgate party and an evening Brewers game.

Please feel free to contact me if you should have any questions or comments regarding the enclosed progress report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.  
Executive Director

**State of Wisconsin  
Ethics Board**

October 23, 1997

The Honorable, The Senate:

I am please to provide you with the accompanying report of the State of Wisconsin Ethics Board's activities for the year July 1996 through June 1997. This report provides information on the Board's operations and contains the texts of Wisconsin's Ethics Code and lobbying law. It also includes a description of complaints and investigations pursued by the Ethics Board, and

summaries of advisory opinions issued by the Board during the year.

Sincerely,  
R. ROTH JUDD  
Executive Director

**State of Wisconsin  
Ethics Board**

October 28, 1997

To the Honorable the Senate:

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Organizations recently registered:**

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

**Brown County Home Builders Assn.**

Subject(s): Areas of state legislation and administrative rules the Brown County Home Builders Assn. may attempt to influence include: private property rights, land use, housing, development, building codes, taxation: fees, small business, environment, and work place regulations.

Landin, Jeffrey G

**Digital Equipment Corporation**

Subject(s): Purchase of computer equipment, network equipment, and associated consulting services.

Brozek, Michael

**Oneida Tribe of Indians of Wisconsin**

Subject(s): The Oneida Tribe of Indians will meet with State Representatives to discuss legislation and administrative rules that have an impact on tribal operations and/or tribal members. Issues include air and water quality, environmental issues, recycling, social sevicees issues including elder and youth services taxation issues, and education. Other legislation which specifically refers to Indian Tribes will also be reviewed and addressed with

Martin, Aurene M

**Organization's authorization of additional lobbyists:**

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

**Brown County Home Builders Assn.**

Landin, Jeffrey G

**Digital Equipment Corporation**

Brozek, Michael

**Oneida Tribe of Indians of Wisconsin**

Martin, Aurene M

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
R. ROTH JUDD  
Executive Director

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

October 23, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSRUD, JACQUELINE A., of Eastman, as a member of the Nursing Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 95-074**

Relating to sport fishing.

Submitted by Department of Natural Resources.

Withdrawn by Agency, October 24, 1997.

**Senate Clearinghouse Rule 93-117**

Relating to commercial fishing for chubs in the Lake Michigan southern chub fishing zone.

Submitted by Department of Natural Resources.

Withdrawn by Agency, October 24, 1997.

**Senate Clearinghouse Rule 97-078**

Relating to the wastewater fee program.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 1997.

Referred to committee on **Agriculture and Environmental Resources**, October 29, 1997.

**Senate Clearinghouse Rule 97-087**

Relating to solid and hazardous waste management.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 1997.

Referred to committee on **Agriculture and Environmental Resources**, October 29, 1997.

**Senate Clearinghouse Rule 97-124**

Relating to the calculation of indigency.

Submitted by State Public Defender.

Report received from Agency, October 28, 1997.

Referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**, October 29, 1997.

**State of Wisconsin  
Revisor of Statutes Bureau**

November 1, 1997

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
96-132	April 1, 1998
96-183	November 1, 1997

97- 15	March 2, 1998
97- 17	November 1, 1997
97- 18 (part)	November 1, 1997
97- 18 (part)	December 1, 1997
97- 18 (part)	March 1, 1998
97- 19 (part)	November 1, 1997
97- 19 (part)	January 1, 1998
97- 19 (part)	March 1, 1998
97- 19 (part)	May 1, 1998
97- 35	December 1, 1997
97- 37	November 1, 1997
97- 49	November 1, 1997
97- 50	November 1, 1997
97- 51	November 1, 1997
97- 52	November 1, 1997
97- 54	November 1, 1997
97- 55	November 1, 1997
97- 56	November 1, 1997
97- 59	November 1, 1997
97- 60	November 1, 1997
97- 64	November 1, 1997
97- 68	November 1, 1997
97- 75	November 1, 1997
97- 76	November 1, 1997
97- 90	November 1, 1997
97- 91	November 1, 1997

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Bill 10**

Relating to: rules of conduct for a business receiving business assistance from the department of commerce and a business entering into an industrial development revenue bonding agreement with a municipality, the employment impact estimates required to be submitted by such a business and providing penalties.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 62**

Relating to: requiring certain persons to hold boating safety certificates.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 147**

Relating to: regulating water or sewer service provided to occupants of mobile home parks, providing an exemption form emergency rule procedures, granting rule-making authority and providing a penalty.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 199**

Relating to: the elimination of the state lottery and pari-mutuel wagering, prohibiting new claims under the farmland relief tax credit, providing a penalty and making an appropriation.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 223**

Relating to: lowering the prohibited alcohol concentration for certain offenses involving alcohol use, installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle, seizure and forfeiture of motor vehicles and providing a penalty.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 259**

Relating to: library lending incentive aid and granting rule-making authority.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 271**

Relating to: exempting certain resident students from tuition at the University of Wisconsin System and at the technical college system.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 316**

Relating to: the definition of the internal revenue code for the income tax and the franchise tax.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 323**

Relating to: various changes to the worker's compensation law.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 327**

Relating to: various changes in the unemployment compensation law and related provisions, granting rule-making authority and making appropriations.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

---

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 SENATE BILL 316**

Prepared by the Legislative Reference Bureau  
(October 27, 1997)

1. Page 68, line 7: delete the comma.